

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: HANS-ULRICH BERNARD ET AL.

SERIAL NO.: 09/763,616

FILED: May 16, 2001

FOR: THERAPEUTIC COMPOUNDS AND METHODS

GROUP ART UNIT: 1614

EXAMINER: B. Y. S. Kwon

ATTY. REFERENCE: BERN3001/REF

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

COMMISSIONER OF PATENTS

P.O. Box 1450

RC Box 1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated: **October 20, 2004** of the Primary Examiner finally rejecting claims: **13, 14, 17-20, 23-35, 40 and 41**

The Appeal Fee is:

enclosed \$170. (NOA filed previously and \$330 paid on Aug. 3, 2004; accordingly Applicants need only pay the additional fee of \$170.)

not required (fee paid in prior appeal in this application).

requested to be charged to **Deposit Account Number 02-0200**. A duplicate copy of this sheet is enclosed.

Small Entity Status is claimed.

The Commissioner is hereby authorized to charge any additional fees associated with this communication, including fees due under *37 CFR 1.16* and *37 CFR 1.17* or credit any overpayment to **Deposit Account Number 02-0200**. A duplicate copy of this sheet is enclosed.

Adjustment date: 02/24/2005 MAHMED1
08/04/2004 SMINASSI 00000055 09763616
01 FC-1401 -330.00 DP

23364

Customer Number
Phone: (703) 683-0500

DATE: February 22, 2005

02/24/2005 MAHMEED1 00000043 09763616

01 FC:1401

500.00 0P

Respectfully submitted,

Richard E. Fitch

Richard E. Fichter
Attorney for Applicant
Registration Number: 26,382